

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

MALEK BOUZID ALIANE,

Plaintiff,

v.

Case No. 8:19-cv-660-T-60SPF

CHASE AUTO FINANCE CORP.,
EXPERIAN INFORMATION SOLUTIONS,
INC. and TRANS UNION LLC,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Sean P. Flynn, United States Magistrate Judge, entered on May 29, 2020. (Doc. 55). Judge Flynn recommends Plaintiff's "Motion for Default Judgment" (Doc. 52) be denied, and that Plaintiff's claims against Defendant Chase Auto Service Corp. be dismissed without prejudice, with leave for Plaintiff to file an amended complaint to cure jurisdictional deficiencies and properly effectuate service of process on Defendant. Neither Plaintiff nor Defendant filed an objection to the report and recommendation, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal

conclusions *de novo*, even in the absence of an objection. See *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Castro Bobadilla v. Reno*, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), *aff'd*, 28 F.3d 116 (11th Cir. 1994) (table).

Upon due consideration of the record, including Judge Flynn's report and recommendation, the Court adopts the report and recommendation. The Court agrees with Judge Flynn's detailed and well-reasoned factual findings and legal conclusions. Consequently, Plaintiff's "Motion for Default Judgment" (Doc. 52) is denied. Plaintiff's complaint is hereby dismissed without prejudice, with leave to file an amended complaint within thirty days to correct the jurisdictional deficiencies identified in Judge Flynn's Order and to properly effectuate service of process on Defendant Chase Auto Finance Corp. pursuant to Federal Rule of Civil Procedure 4.

Litigation has obvious challenges for those without legal training, and the Court encourages Plaintiff to attempt to retain legal counsel to assist him in this matter. However, should he choose to continue to represent himself, Plaintiff is encouraged to make use of the resources available to *pro se* litigants in this District.¹

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Judge Flynn's report and recommendation (Doc. 55) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.

¹ The Tampa Bay Chapter of the Federal Bar Association operates a Legal Information Program. Through that program, *pro se* litigants may consult with a lawyer on a limited basis, free of charge. More information about the program is available on the Court's website at <http://www.flmd.uscourts.gov/legal-information-program>. Additionally, librarians, lawyers, and judges from around the Middle District created a helpful guide to assist *pro se* litigants proceeding in federal court. That guide can be found by following this link: <http://www.flmd.uscourts.gov/sites/flmd/files/documents/mdfl-guide-for-proceeding-without-a-lawyer.pdf>.

- (2) Plaintiff's "Motion for Default Judgment" (Doc. 52) is hereby **DENIED**.
- (3) Plaintiff's complaint is hereby **DISMISSED WITHOUT PREJUDICE**, with leave to file an amended complaint within thirty days to correct the jurisdictional deficiencies identified in Judge Flynn's report and recommendation. **Failure to file an amended complaint as directed will result in the dismissal of this action without prejudice without further notice.**
- (4) At the time he files his amended complaint, Plaintiff is directed to complete and return the "Summons in a Civil Action" AO 440 form and the "Process Receipt and Return" USM-285 form² to the Clerk, whereupon the United States Marshal is **DIRECTED** to serve the summons on Defendant.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 16th day of June, 2020.



TOM BARBER
UNITED STATES DISTRICT JUDGE

² These forms are available for download on this Court's website at <http://www.flmd.uscourts.gov> under the "Forms" link at the top left of the homepage.